

Senate File 2286 - Reprinted

SENATE FILE 2286
BY COMMITTEE ON LABOR AND
BUSINESS RELATIONS

(SUCCESSOR TO SSB 3192)

(As Amended and Passed by the Senate February 16, 2010)

A BILL FOR

1 An Act relating to the regulation of professional and
2 amateur mixed martial arts matches and events by the labor
3 commissioner and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 90A.1, Code 2009, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. *"Mixed martial arts match"* means a
4 professional or amateur mixed martial arts match or event that
5 is open to the public with payment of an admission fee or if a
6 donation is requested from those in attendance.

7 Sec. 2. Section 90A.1, subsections 3 and 4, Code 2009, are
8 amended to read as follows:

9 3. *"Official"* means a person who is employed as a referee,
10 judge, timekeeper, or match physician for a ~~boxing or~~
11 ~~wrestling match or event covered by this chapter.~~

12 4. *"Participant"* means a person involved in the ~~boxing~~
13 ~~or wrestling a match or event covered by this chapter,~~ and
14 includes contestants, seconds, managers, and similar event
15 personnel.

16 Sec. 3. Section 90A.1, subsection 6, Code 2009, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. c. Organizes, holds, advertises, or
19 otherwise conducts a mixed martial arts match.

20 Sec. 4. Section 90A.2, subsection 1, Code 2009, is amended
21 to read as follows:

22 1. A person shall not act as a promoter of a professional
23 boxing or wrestling match or a mixed martial arts match without
24 first obtaining a license from the commissioner. This
25 subsection shall not apply to a person distributing a
26 closed-circuit, pay-per-view, or similarly distributed signal
27 to a person acting as a promoter or to a person viewing the
28 signal in a private residence.

29 Sec. 5. Section 90A.4, Code 2009, is amended to read as
30 follows:

31 **90A.4 Match promoter responsibility.**

32 The A promoter, as defined in section 90A.1, subsection
33 6, paragraph "a", shall be responsible for the conduct of
34 all officials and participants at a ~~professional boxing~~
35 ~~or wrestling match or event covered by this chapter.~~ The

1 commissioner may reprimand, suspend, deny, or revoke the
2 participation of any promoter, official, or participant for
3 violations of rules adopted by the commissioner. Rulings or
4 decisions of a promoter or an official are not decisions of the
5 commissioner and are not subject to procedures under chapter
6 17A. The commissioner may take action based upon the rulings
7 or decisions of a promoter or an official. This section shall
8 not apply to a promoter as defined in section 90A.1, subsection
9 6, paragraph "b".

10 Sec. 6. Section 90A.5, subsection 1, paragraphs c and h,
11 Code 2009, are amended to read as follows:

12 c. A ~~boxer~~ contestant fails to pass a prefight physical
13 examination.

14 h. A match promoter, ~~professional boxer~~ contestant, or
15 participant is in violation of rules adopted pursuant to
16 section 90A.7.

17 Sec. 7. Section 90A.5, subsection 1, Code 2009, is amended
18 by adding the following new paragraph:

19 NEW PARAGRAPH. i. A contestant does not present adequate
20 proof of age pursuant to section 90A.12.

21 Sec. 8. Section 90A.6, subsection 1, unnumbered paragraph
22 1, Code 2009, is amended to read as follows:

23 The commissioner may suspend, deny, revoke, annul, or
24 withdraw a license, registration, or authority to participate
25 in a professional boxing or wrestling match or mixed martial
26 arts match if any of the following occur:

27 Sec. 9. Section 90A.9, subsection 1, Code 2009, is amended
28 to read as follows:

29 1. The promoter of a professional boxing or wrestling match
30 or event or a mixed martial arts match shall, within twenty
31 days after the match or event, furnish to the commissioner a
32 written report stating the number of tickets sold, the gross
33 amount of admission proceeds of the ~~professional boxing or~~
34 ~~wrestling match or event~~, and other matters the commissioner
35 may prescribe by rule. The value of complimentary tickets in

1 excess of five percent of the number of tickets sold shall
 2 be included in the gross admission receipts. Within twenty
 3 days of the match or event, the promoter shall pay to the
 4 treasurer of state a tax of five percent of its total gross
 5 admission receipts, after deducting state sales tax, from the
 6 sale of tickets of admission to the ~~professional boxing or~~
 7 ~~wrestling~~ match or event.

8 Sec. 10. Section 90A.11, Code 2009, is amended to read as
 9 follows:

10 **90A.11 License ~~penalty~~ penalties — cease and desist order.**

11 1. A person who acts as a ~~professional boxing or wrestling~~
 12 match promoter, as defined in section 90A.1, without first
 13 obtaining a license commits a serious misdemeanor. In addition
 14 to criminal penalties, the promoter and shall be liable to the
 15 state for the taxes and penalties pursuant to section 90A.9.

16 2. a. Notwithstanding the procedural requirements of
 17 chapter 17A, the commissioner may issue an order to cease and
 18 desist a match or event if the criteria of this subsection
 19 are met. The county sheriff shall assist with service and
 20 enforcement of the commissioner's order to cease and desist if
 21 requested by the commissioner. The provisions of chapter 17A
 22 shall apply after enforcement of the order to cease and desist.

23 b. The commissioner may issue an order to cease and desist a
 24 match or event if all of the following have occurred:

25 (1) The commissioner conducted an investigation and
 26 determined a promoter is organizing, advertising, holding,
 27 or conducting an event or match that is within the scope of
 28 section 90A.2.

29 (2) The promoter has not applied for or has been denied a
 30 license.

31 (3) The deadline to file a timely license application has
 32 passed.

33 3. a. A person who acts as a promoter without first
 34 obtaining a license is subject to a civil penalty of not more
 35 than ten thousand dollars for each violation.

1 b. The commissioner shall notify the unlicensed promoter
2 of a proposed civil penalty by service in the same manner as
3 an original notice or by certified mail. If within fifteen
4 business days from the receipt of the notice, the unlicensed
5 promoter fails to file a notice of contest in accordance with
6 rules adopted by the commissioner pursuant to chapter 17A, the
7 penalty as proposed shall be deemed final agency action for
8 purposes of judicial review.

9 c. The commissioner shall notify the department of revenue
10 upon final agency action regarding the assessment of a civil
11 penalty against an unlicensed promoter. Interest shall be
12 calculated on the penalty from the date of final agency action.

13 d. Judicial review of final agency action pursuant to
14 this section may be sought in accordance with the terms of
15 section 17A.19. If no petition for judicial review is filed
16 within sixty days after service of the final agency action
17 of the commissioner, the commissioner's findings of fact and
18 final agency action shall be conclusive in connection with any
19 petition for enforcement which is filed by the commissioner
20 after the expiration of the sixty-day period. The clerk of
21 court, unless otherwise ordered by the court, shall enter a
22 decree enforcing the final agency action and shall transmit
23 a copy of the decree to the commissioner and the unlicensed
24 promoter named in the petition.

25 e. Civil penalties recovered pursuant to this section shall
26 be remitted by the commissioner to the treasurer of state for
27 deposit in the general fund of the state.

28 Sec. 11. Section 90A.12, Code 2009, is amended by adding the
29 following new subsection:

30 NEW SUBSECTION. 3. A person shall not be a contestant in
31 a mixed martial arts match unless the contestant is eighteen
32 years of age or older. Each contestant shall submit to
33 the commissioner a certified birth certificate, or similar
34 document, validating the contestant's date of birth prior to
35 the match in order to verify the contestant's eligibility.